IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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W.P.Nos.15546, 17350, 18361 and 27989 of 1995

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WRIT PETITION NO : 15546 of 1995

Between:

Kum.Kusumpudi Uma Rani D/o.K.Venkata Subba Rao,
Dr.B.R.Ambedkar Centenary, Social Welfare Residential Jr. College,
Lakshmiramapuram, Anaparthi Mandal, E.G. District.

..... PETITIONER

AND

1 Chairman, A.P. Social Welfare Residential Educational Institution Society,

Hyderabad and Principal Ex-Officio Secretary, A.P.S.W.Department,

Hyderabad.
2 The Secretary, A.P. Social Welfare Education Institutions Society,
Telugu Samkshema Bhavan, Masab Tank, Hyderabad.
3 The Principal, Dr.B.R.A.C.S.W.R. Jr. College,
Lakshminarsapuram, Anaparthi Mandal, E.G.District.
4 Sri.Y.Nageswara Rao,
A.P.Social Welfare Residential School, A.Konduru, C/o.The Secretary,

A.P.Social Welfare Educational Institutions Society,
Telugu Samkshema Bhavan, Masab Tank, Hyderabad.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction especially one in the nature of mandamus: 1) declaring the impugned proceedings RC.No.G1/1154/95 dated 10-07-1995 of the Secretary, A.P. Social Welfare Residential Institutions Society, Hyderabad, is so far as it

transfers the petitioners from the post of Jr. Lecturer in Botany in Dr.B.R.Ambedkar Cenetary Social Welfare Residential Junior College, Lakshmipuram, Anaparthi Mandal, E.G. District, 2) direct the respondents to regularize the service of the petitioner as Jr. Lecturer from the date of her appointment as Jr. Lecturer i.e., 18-8-1992 and grant including arrears of pay, increments and other benefits to grant such other relief or reliefs.

Counsel for the Petitioner: MR.V.JOGAIAH SARMA

Counsel for the Respondent No.1 : G.P. FOR SOCIAL WELFARE

Counsel for the Respondent No.2 & 3: Mr. Vijaya Bhaskar Moola

Counsel for the Respondent No.4 : Not appeared

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WRIT PETITION NO : 17350 of 1995

Between:

1 K.Venkateswara Rao s/o. K.Narayana Murthy,
Lakshminarasapuram, E.G.District.
2 P. Jagadessh Babu, s/o. P.V.Chalamaih,
Lakshminarasapuram, E.G.Dist.
3 B.H.B.Ramakrishna Murthy, s/o. Vasudeva Deekshit,
Lakshminarasapuram, E.G.Dist.
4 K.Uma Rani, d/o. K.Venkatasubba Rao,
Lakshminarasapuram, e.g. Dist.
5 M.Sudhakar Rao, s/o. M.Chandrasekhar Rao,
Lakshminarasapuram, E.G. Dist.,
6 P.Uma Maheswara Rao, s/o. P.Vasudeva Rao, E.G. Dist.
7 M.Showkat Ali, s/o. Sk.Mahaboob,
Lakshminarasapuram, E.G. Dist.

..... PETITIONERS

AND

1 A.P.Social Welfare Res.Educational Institutions Society.
Sankshema Bhavan, Masab Tank, Hyderabad.
2 State of A.P. represented by its Principal Secretary,

Social Welfare Department, Secretariat Buildings, Hyderabad.

3 A.P. College Service Commission, represented by its Secretary, Gaganvihar, Mukkaramjahi Road, Hyderabad.

..... RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, especially one in the nature of mandamus (i) to declare the final options obtained from the petitioners in pursuance to the circular memo No. B1/2944/91 dated 16.4.1994 of the A.P. Social Welfare Residential Educational Institutions Society has become final and cannot be reopened (ii) to treat the services of the petitioners as Junior Lecturers with all the benefits of seniority, scale of pay and other benefits with effect from the date on which the petitioners are posted as Junior Lecturers (iii) to compel the respondents to pay the petitioners in the scale of rs.3640-7500/- as is being done in the case of Junior Lecturers appointed by way of direct recruitment pay the arrears upto date and to grant such other relief or reliefs as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioners: MR.V.JOGAIAH SARMA

Counsel for the Respondent No.1: Vijaya Bhakar Moola

Counsel for the Respondents 2 & 3: G.P. for Social Welfare

WRIT PETITION NO : 18361 of 1995

Between:

1 E.Kondaiah, S/o.E.C.Venkata Swamy,
A.P.Social Welfare Residential School for Girls, Chinna Chowk,
Cuddapah.

2 P.Sreedevi, D/o.P.Venkat Reddy,
A.P. Social Welfare Residential School for Girls,
Chinna Cowk, Cuddapah.

3 K.Sujatha, D/o.K.Subba Rayudu,
A.P.Social Welfare Residential School for Girls,
Chinna Cowk Cuddapah.

4 V.D.Sukanya, D/o.V.Neelaiah,
A.P.Social Welfare Residential School for Girls,
Chinna Cowk, Cuddapah.

5 Y.Nageswara Rao, S/o.Narayana,
A.P.Social Welfare Residential School (B) B.Mattam Post, Cuddapah.

6 N.Sreenivasulu, S/o.N.Ramaiah,
A.P.Social Welfare Residential School (B) B.Mattam Post, Cuddapah.

7 Y.G.Venkatesha, S/o.Kristanna,
A.P.Social Welfare Residential School (B) B.Mattam Post, Cuddapah.

8 G.Raveendra Babu, S/o.Venkatasubbaiah,
A.P.Social Welfare Residential School (B) B.Mattam Post, Cuddapah.

9 K.Venkta Ramudu, S/o.Lachappa,

A.P. Social Welfare Residential School (B) B.Mattam Post, Cuddapah.

10 B.Surya Prakash Reddy, S/o. Nagireddy,
A.P.Social Welfare Residential School (B) B.Mattam Post, Cuddapah.

11 K.Prabhakar Rao, S/o.Bhagawan Doss,
A.P.Social Welfare Residential School (B) B.Mattam Post, Cuddapah.

12 T.Niranjana Vara Prasad, S/o.Subramanya Chari,
A.P.Social Welfare Residential School (B) B.Mattam Post, Cuddapah.

13 D.Ranga Swamy, S/o.Sheshanna,
A.P.Social Welfare Residential School (B) B.Mattam Post, Cuddapah.

14 M.Ramachandra Reddy, S/o. M.V. Subba Reddy,
A.P.Social Welfare Residential School (B) B.Mattam Post, Cuddapah.

15 K.Uma Rani, D/o.K.V.Subba Rao,
A.P.Social Welfare Residential School, Yeleswaram, E.G. Dist.

16 Mada Subba Rayudu, S/o.M.C.Venkatasubbaiah,
A.P.Social Welfare Residential School, Sawleru
Cuddapah District.

..... PETITIONERS

AND

1 Andhra Pradesh Social Welfare Residential Educational Institutions Society,

Represented by its Secretary, Telugu Sankshema Bhavan, Masab Tank,

Hyderabad.

2 State of Andhra Pradesh, Represented by its Principal Secretary,
Social Welfare Department, Secretariat Building, Hyderabad.

3 Andhra Pradesh College Service Commission, Represented by its Secretary,

Mukkaram Jahi Road, Gagan Vihar, Hyderabad - 500001

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of order or direction, especially one in the nature of mandamus (i) declaring the circular Rc.no.Z-I-II3-9022/95, dated 8/7/1995 of the A.P. Social Welfare Residential Educational Institutions Society, Hyderbad, as illegal, arbitrary and without jurisdiction and set aside the same (ii) to declare that the first respondent is not entitled to conduct any written examination for the purpose of selection to the post of Junior Lecturers as per the terms of G.O.Ms.No.75 Social Welfare, dated 24/6/1995 and the decision of the Board of Governors in their 21st meeting held on 3rd and 4th July, 1995; (iii) to declare that the circular memo Rc.No.Z-I-III-9022/95, dated 8/7/1995 of the first respondent is contrary to the decision of the Government in G.O.Ms.No.75 Social Welfare, dated 24/6/1995 and Society's Standing order No.9/95, dated 8/7/1995, and (iv) to grant such other relief or reliefs as this hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.V.JOGAIAH SARMA

Counsel for the Respondent No.1: Mr. Vijaya Bhakar Moola

Counsel for the Respondents 2 & 3: G.P. FOR SOCIAL WELFARE

WRIT PETITION NO : 27989 of 1995

Between:

K.Adivappa, S/o. late K.Hanumanthappa,
Adoni , Kurnool District.

..... PETITIONER

AND

1 The Chairman, A.P. Social Welfare Residential Educational Institution

Society, Telugu Sankshema Bhavan, Masab Tank, Hyderabad.
2 The Secretary, A.P. Social Welfare Residential Educational Institution

Society, Telugu Sankshema Bhavan, Masab Tank, Hyderabad.
3 The Govt., of A.P., Represented by it's Principal Secretary, Social Welfare

Department, Secretariat, Hyderabad.
4 Sri C. Jayaprakash, Junior Lecturer, A.P. Social Welfare Residential Junior

College, C/o. Secretary, A.P.S.W.R.E.I.S., Telugu Sankshema Bhavan,

Masab Tank, Hyderabad.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order writ or direction more particularly in the nature of Writ of Mandamus declaring the action of the official respondents as Junior Lecturer by transfer in terms of the Special Service Rules ,1995 and declare the action of the official respondents in promoting his juniors as illegal, arbitrary and further direct the official respondents to consider the appointment of the petitioner as Junior Lecturer by transfer with effect from the date of his junior appointed as Junior Lecturer by transfer.

Counsel for the Petitioner: MR.M.RATNA REDDY

Counsel for the Respondents 1 & 2: Mr. Vijaya Bhaskar Moola

Counsel for the Respondent No.3: G.P. FOR SOCIAL WELFARE

Counsel for the Respondent No.4: Not appeared

The Court made the following

COMMON ORDER:

The grievance of the petitioners in these writ petitions is that they are entitled to be regularized as Junior Lecturers in various colleges run by the respondent-A.P. Social Welfare Residential Educational Institutions Society.

Insofar as the sole petitioner in W.P.No.15546 of 1995 is concerned, her services have already been regularized as Junior Lecturer with effect from 25-10-1995 and since the relief sought for by her has already been granted, the writ petition has become infructuous and is liable to be dismissed as such.

Insofar as the sole petitioner in W.P.No.27989 of 19995 is concerned, he and 7th petitioner in W.P.No.18361 of 1995 are said not to possess the requisite qualifications of a Post Graduate Degree in Mathematics and that the qualification, which they possess i.e. Post Graduate Degree in Statistics, is not equivalent to that of a Post Graduate Degree in Mathematics. Both
Sri V. Jogaiah Sarma and Sri M. Ratna Reddy appearing for the respective petitioners, vehemently contend that a Post Graduate Degree in Statistics is treated as equivalent to that of Post Graduate Degree in Mathematics, by the Board of Intermediate Education, Andhra Pradesh, Hyderabad, and in fact, the respondents had earlier treated it as equivalent. It is their case that since the respondents have treated the qualification of Post Graduate Degree in Statistics as equivalent to the qualification of Post Graduate Degree in Mathematics, they are entitled to be appointed as Junior Lecturers in Mathematics.

Needless to state that it is not for this Court to determine equivalence of educational qualifications, which is a matter within the exclusive domain of the respondent-Society.
The petitioners shall submit a detailed representation to the respondent-Society in this regard, within two weeks from the date of receipt of a copy of this order, and on receipt of such representation, the respondents shall consider the same and pass appropriate orders thereon within two months thereafter. Since the petitioners herein are continuing as Junior Lecturers eversince 1992, in view of the interim orders

passed by this Court, they shall be continued as such till the respondents consider their representation and pass appropriate orders in this regard. It is always open for the petitioners, in case they are aggrieved by such decision, to take such further steps as are available to them in law.

Insofar as petitioners 1, 2, 4, 5, 6, 8, 11, 12, 13, 14, 15, and 16 in W.P.No.18361 of 1995 are concerned, they have already been promoted as Junior Lecturers and as such the writ petition insofar as these petitioners are concerned, has become infructuous.

With regards petitioners 3, 9 and 10 in W.P.No.18361 of 1995, it is the case of the respondents that since they are at Sl.No.13, 4 and 10 in the seniority list of PGTs respectively they are not entitled to be promoted as Junior Lecturers.
The respondents shall pass an order informing these petitioners about their position in the seniority list and the reasons as to why they are not entitled for being promoted as Junior Lecturers, within two months from the date of receipt of a copy of this order. Till such orders are passed, *status quo* obtaining as on today shall be maintained.

Insofar as W.P.No.17350 of 1995 is concerned, petitioners 1 to 6 among the seven petitioners, have already been regularized as Junior Lecturers and the writ petition, insofar as they are concerned, has become infructuous. Insofar as the
7th petitioner Sri K. Showkat Ali is concerned, it is the case of the respondents that he passed M.Com. degree in III division as against the requirement of I and II division with not less than 50% of marks, that there is no post of Hindi Junior Lecturer, that the case of the petitioner is not covered under the special rules framed by the respondent-Society in view of the fact that he was appointed as Hindi Teacher and not as commerce teacher because there was no commerce subject in the schools run by the respondent-Society and as such his seniority was counted in Hindi teacher category only, and that his transfer and posting as Junior Lecturer in commerce was at his own request, vide office proceedings dated 25-11-1992 and as such, he is not entitled to the service conditions and scale of pay applicable to the post of Junior Lecturer in Commerce.

Sri V. Jogaiah Sarma, learned counsel for the petitioners, submits that this factual assertion of the respondents is incorrect *inasmuch* as Sri K. Showkat Ali possesses a post graduate degree in commerce with II division having obtained

55% marks. The very fact that the 7th petitioner had been appointed as Junior Lecturer in Commerce, according to Sri V. Jogaiah Sarma, means that the respondents themselves considered him as eligible for being promoted as Junior Lecturer in Commerce and that he has been working as Junior Lecturer in Commerce for the past more than a decade. It is also his contention that the posting of 7th petitioner as Junior Lecturer in Commerce vide proceedings dated 25-11-1992 was not made at his own request, and that he had exercised the option at the instance of the respondent-Society.

It is not for this Court to go into these disputed question of fact and to determine whether or not the 7th petitioner,
Sri Showkat Ali, possesses the requisite qualification or as to whether his appointment as Junior Lecturer in Commerce was at the behest of the respondents or at his own request.
Sri Showkath Ali, is therefore directed to submit a detailed representation including copies of the certificates in proof of his educational qualification, to the respondents, within two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider and pass appropriate orders thereon, within two months thereafter and communicate its decision to the 7th petitioner, Sri Showkat Ali. Needless to state that if he is aggrieved by such a decision, it shall always be open for him to take such steps as are available to him in law.

With the aforesaid observations and directions, W.P.No.15546 of 1995 is dismissed as having become infructuous and W.P.Nos.27989, 18361, and 17350 of 1995 are disposed of. No costs.

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RAMESH RANGANATHAN, J

Date: 04th July, 2005

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ASSISTANT REGISTRAR

To

1 The Chairman, A.P. Social Welfare Residential Educational Institution

Society, Hyderabad and Principal Ex-Officio Secretary, A.P.Social Welfare

Department, Hyderabad.

2 The Secretary, A.P. Social Welfare Education Institutions Society,
Telugu Samkshema Bhavan, Masab Tank, Hyderabad.

3 The Principal, Dr.B.R.A.C.S.W.R. Jr. College,
Lakshminarsapuram, Anaparthi Mandal, E.G.District.

4 The Principal Secretary, State of A.P.

Social Welfare Department, Secretariat Buildings, Hyderabad.

5 The Secretary, A.P. College Service Commission,
Gaganvihar, Mukkaramjahi Road, Hyderabad.

6 Two CCs to G.P. for Social Welfare Department, High Court

Buildings, Hdyerabad (OUT).

7 Two CD copies.